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OFFICE OF PETITIONS

In re Application of
Gek Hoon Quat et al.
Application No. 10/734,710
Date of Deposit: December 12, 2003
Attorney Docket No. 006404.P013
Title: CONNECTION FOR AUDIO
TRANSFER

DECISION ON PETITION
UNDER 37 C.F.R. §1.182

This is a decision on the "Petition asserting submission of filing documents," filed April 12, 2004, requesting that the above-identified application be accorded a filing date of December 12, 2003, with the specification submitted with the instant petition as part of the original disclosure of the application.

The application was deposited on December 12, 2003. However, on March 30, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Incomplete Nonprovisional Application – Filing Date Not Granted" (notice) stating that the application had NOT been accorded a filing date, and advising applicants that the application was deposited without a specification. The notice further indicated that a filing date would be accorded when a specification was received.

On April 12, 2004, the instant petition was filed, along with a five page specification, four pages of claims, a one page abstract, and a copy of applicants' postcard receipt acknowledging receipt of "Application – Utility (10 pgs., with cover and abstract)" in the United States Patent and Trademark Office (Office) on December 12, 2003. Applicants request that both the application and the specification submitted with the instant petition be accorded a filing date of December 12, 2003.

Upon review of the record, the above-mentioned specification has not been located among the application papers in the electronic file. However, the evidence is convincing that the application papers deposited on December 12, 2003 included an 8 page specification, a 1 page abstract, and a 1 page cover sheet, and these 10 sheets were subsequently misplaced in the Office.

Unfortunately, the specification which Petitioner has submitted with the instant petition does not match the information which he placed on his postcard. Petitioner's postcard itemizes a 10 page specification including an abstract and a cover sheet. Petitioner has submitted a 5 page specification, 4 pages of claims, and a 1 page abstract, which totals ten pages. No cover sheet has been submitted. Hence, if Petitioner were to add a cover sheet onto that which he has submitted with the instant petition, the total number of pages would be 11. It appears that Petitioner has added an extra page to the present submission.

As such, the petition is **DISMISSED**.

On renewed petition, Petitioner should explain this discrepancy.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.182." This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should display "Please deliver to Paul Shanoski, c/o Office of Petitions" in a prominent manner.

To help assure prompt and proper attention to your response, please see Request for Alert Concerning Submitted Petitions, 1282 Official Gazette (May 18, 2004) for further information on how to assist the Office in delivering your submission to the correct location. The Petitioner may wish to consider telephoning the undersigned one month after the submission is made to confirm that the documents were properly delivered.

Any renewed petition may be submitted by mail¹, hand-delivery², or facsimile³.

The application file will be retained in the Office of Petitions for two (2) months.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

¹ Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

² Customer Window, Mail Stop Petition, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

³ (703) 872-9306 - please note this is a central facsimile number, and as such, there will be a delay in the delivery of the facsimile to the undersigned.